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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MARIO A. PITOGO,

12 Plaintiff,

13 v.

14 CREDIT SUISSE FINANCIAL  
15 CORPORATION, QUALITY LOAN  
16 SERVICE CORPORATION, MORTGAGE  
17 ELECTRONIC REGISTRATION  
18 SYSTEMS, INC., SELECT PORTFOLIO  
SERVICING, INC., FAIR VALLEY  
FINANCIAL, INC., ALI C. NAYAB, and  
BRANDO ONA MADRIGAL,

19 Defendants.

CASE NO. 09 CV 1061 JM (NLS)

**ORDER:**

**1) GRANTING DEFENDANTS’  
MOTION TO DISMISS; and  
2) TO SHOW CAUSE**

Doc. No. 4


20 On May 14, 2009, Plaintiff filed the instant action advancing claims arising out of a home  
21 mortgage loan transaction. (Doc. No. 1, “Compl.”) Defendants Credit Suisse Financial Corporation,  
22 Quality Loan Service Corporation, Mortgage Electronic Registration Systems, Inc., and Select  
23 Portfolio Servicing, Inc. (collectively, “Defendants”) are the only named defendants yet served in the  
24 action. Pending before the court is Defendants’ Motion to Dismiss Plaintiff’s Complaint pursuant to  
25 Federal Rule of Civil Procedure (“Rule”) 12(b)(6). (Doc. No. 4.) To date, Plaintiff has filed no  
26 opposition to the motion, nor a statement of non-opposition, as required by this court’s local rules.  
27 Under these circumstances, it is within the court’s discretion to grant the motion to dismiss under Civil  
28 Local Rule 7.1(f)(3)(c).

1 Because the lack of opposition indicates Plaintiff's concurrence with the arguments set forth  
2 by Defendants, and because the court agrees with Defendants that the entire Complaint fails to meet  
3 federal pleading standards under Rule 8, Defendants' motion is hereby **GRANTED**. Accordingly,  
4 Plaintiff's Complaint is **DISMISSED** in its entirety.

5 In addition, the court hereby **ORDERS** Plaintiff's counsel, David St. John and Dean Browning  
6 Webb, **TO SHOW CAUSE** why sanctions should not be imposed for repeated violations of Civil  
7 Local Rule 7.1(f)(3)(c).<sup>1</sup> Plaintiff's counsel shall appear for hearing on this matter on **Friday,**  
8 **August 21, 2009 at 1:30 p.m.** in Courtroom 16.

9 **IT IS SO ORDERED.**

10 DATED: August 3, 2009

11   
12 Hon. Jeffrey T. Miller  
United States District Judge

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27 <sup>1</sup> The court notes Plaintiff's counsels' failure to file an opposition or statement of non-  
28 opposition is the latest in a long line of similar transgressions. See, e.g., Andrade v. Wachovia  
Mortgage, FSB, Case No. 09-cv-0377 (two motions unopposed); Watts v. Decision One Mortgage  
Co., Case No. 09-cv-0043 (three motions unopposed); and Cataulin v. Washington Mutual Bank, Case  
No. 08-cv-2419 (four motions unopposed).